

MSD Prevention in the Workplace

November 15, 1999

Proposed ergonomics rule: Washington state takes a big step to prevent 50,000 worker injuries a year

Picture Safeco Field packed to capacity. Then spill several thousand more people onto the turf. Each year, that's how many employees in Washington state suffer work-related injuries like carpal tunnel syndrome, low back injuries and tendinitis

Today, the Department of Labor and Industries took a big step toward preventing these work-related musculoskeletal disorders (WMSDs or ergonomic injuries), filing a proposed ergonomics rule with the Washington State Code Reviser's Office.

"Ergonomics is about working smarter and safer," said L&I Director Gary Moore. "It's about protecting a worker's body from unnecessary wear and tear on the job. It's about reducing pain and increasing productivity. That's good for workers and good for employers."

Moore said an ergonomics rule will protect employees from these preventable workplace injuries. "Workers don't come with spare parts."

L&I statistics show that workers' compensation claims for WMSDs cost employers more than \$340 million a year. Employers suffer additional losses in productivity and quality, driving the total costs much higher.

L&I officials concluded in mid-1998 that a comprehensive strategy for reducing WMSDs would require a workplace safety and health rule.

"Voluntary efforts have made some inroads. But thousands upon thousands of employees continue to be hurt and disabled each year," said Michael Silverstein, M.D., L&I's assistant director for workplace safety and health. "That's just plain wrong."

Workers' Compensation Claims for WMSDs, Washington State Fund 1990-1997

*Average number of claims per year:
More than **50,000***

*Percentage of all workers' compensation claims: **32 percent***

*Percentage of all workers' compensation claims costs: **46 percent***

*Total cost of WMSD claims: **\$2.3 billion***

*Total number of lost workdays for compensable WMSD claims: **20.3 million***

*Percentage of all lost workdays resulting from WMSDs: **54 percent***

Workers' Compensation Claims for WMSDs, Self-Insured Employers 1990-1997

*Number of compensable claims: **89,299***

*Percentage of all compensable claims: **59%***

*Total cost of these claims: **\$417 million***

*Total number of lost workdays from these claims: **5 million***

Notes:

- Data exclude injuries from slips, trips, falls, motor vehicle accidents or being struck by or caught in objects.
- Compensable claims involve four or more days off work and trigger wage replacement benefits.
- Self-insured employers do not report medical-only claims to L&I. Statistics provided by self-insured employers only cover compensable claims.

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Overview of the proposed rule

The proposed rule follows more than a year of preparation. In October 1998, L&I held nine public meetings across the state to discuss WMSDs and ergonomics. Early in 1999, L&I met with two advisory committees made up of business, labor, health professionals and others. All contributed ideas for the proposal's design.

Prevention is the watchword. The proposed rule would require employers to identify and reduce hazards before workers become injured.

Which employers would be covered? The proposed rule applies to employers with jobs that typically involve exposure to the physical risk factors described in the rule: heavy, frequent or awkward lifting, awkward postures, highly repetitive motion, high hand force, repeated impact and moderate to high vibration. A list of these physical risk factors in Part 1 of the proposed rule helps an employer quickly determine whether the rule applies to any of the jobs in their business.

Jobs with any of the physical risk factors are "caution zone jobs." Employees working in and supervising "caution zone jobs" must receive ergonomics awareness education. These jobs must be analyzed to determine whether the exposure reaches a hazardous level. If it does, the employer must reduce the exposure below hazardous levels or to the degree feasible.

L&I is proposing a long phase-in period to give employers time to learn what the proposed rule requires and explore the most cost-effective ways to comply. L&I will use this time to work with "Demonstration Employers" and to train its consultants and compliance inspectors before enforcing the rule.

Highlights for employers

The proposed rule provides employers **flexibility, options** and **time to act**.

- Employers may continue effective ergonomics efforts already under way.
- Ergonomics awareness education is portable, moving with employees from employer to employer. Only employees working in or supervising "caution-zone jobs" must receive it.
- Employers may choose their own method and criteria for identifying and reducing WMSD hazards. Or, they may use L&I's specified method and criteria.
- If jobs have WMSD hazards, the employer must reduce these below hazardous levels or to the degree feasible.
- Employers have three to six years to comply with all requirements (depending on the size and type of business).

What the proposed rule DOES NOT DO

- Does not contain requirements for the medical management of WMSDs or change any requirements for handling workers' compensation claims.
- Does not address prevention of work-related musculoskeletal disorders from slips, trips, falls, motor-vehicle accidents or being struck by or caught in objects.

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address prevention of work-related musculoskeletal disorders from slips, trips, falls, motor-vehicle accidents or being struck by or caught in objects.

- Does not prohibit "caution zone jobs."

The proposed rule would apply first to larger employers (50 or more employees) in the 12 industries with the greatest risk of WMSDs. This approach allows L&I to initially focus consultation resources on a manageable number of high-risk employers. It also allows small businesses, which have a longer phase-in, to benefit from the experiences of the larger firms that act first. Although L&I is not categorized as a high-risk industry, the agency itself will be in the first group of employers to comply.

Need more information?

View the full text of Washington state's proposed ergonomics rule on L&I's ergonomics web site at [/wisha/ergo](http://wisha/ergo). The site also includes the schedule of public hearings, Economic Summary, Small Business Economic Impact Statement and other informative materials.

If you don't have access to the Internet and want to receive a copy of the proposal or other materials posted on the web, please call 360-902-5523.

The proposed rule will be published in the Washington State Register 99-23 on December 1, 1999. Before adoption, L&I must conduct public hearings, review and respond to written comments, and, where needed, use public input to clarify and improve the proposal. Director Moore said L&I wants a full and open discussion during the hearings.

For more information on the public hearings, scroll down to see the schedule below, or visit WISHA's web site at [/wisha](http://wisha).

"It will take time to put these worker protections into place," Silverstein said. "But they will happen sooner if we just get started. Thanks to ergonomics, safer jobs are coming."

Highlights for employees

The proposed rule makes work less hazardous and gives employees opportunities to **learn** and **to participate in finding solutions**. It:

- Provides ergonomics awareness education for employees working in or supervising "caution zone jobs."
- Involves employees in analyzing "caution zone jobs" and selecting control methods for reducing WMSD hazards.
- Requires job-specific training for employees when ergonomic controls change the job or work practices.
- Requires employers to share information with the safety committee or at safety meetings.
- Involves employees in the annual review of ergonomics activities.

What the proposed rule DOES require

If This	Then	This
If there are no physical risk factors above the levels listed in the rule:	The employer is not subject to the rule and	<ul style="list-style-type: none"> • No action is required
If one or more physical risk factors exceeding the levels listed in the rule are present:	The job is a "caution zone job" and the employer must	<ul style="list-style-type: none"> • Ensure education • Involve employees • Analyze "caution zone jobs" • Inform a safety/health committee or discuss at safety meetings.
If the analysis finds that WMSD hazards are present in the "caution zone jobs"	The employer must	<ul style="list-style-type: none"> • Make the job less hazardous (options outlined in the rule)

Public hearings set

L&I will hold 14 public hearings on the proposed ergonomics rule in seven cities around the state. The hearing dates and locations are listed below. Hearing times are 1 p.m. and 6 p.m. on each day listed.

January 5, 2000	Washington State Convention Center, Room 618-620, 8th & Pike,	Seattle
January 6, 2000	Howard Johnson Plaza Hotel, Orcas Room, 3105 Pine St.,	Everett
January 10, 2000	Tacoma Public Library, Olympic Room, 1102 Tacoma Ave. S.,	Tacoma
January 11, 2000	Red Lion Hotel at the Quay, Centennial Center, 100 Columbia St.,	Vancouver
January 12, 2000	Cavanaugh's Inn at the Park, Skyline Room, 303 W. North River Dr.,	Spokane
January 13, 2000	Cavanaugh's at Yakima Center, Ball Room, 607 E. Yakima Ave.,	Yakima
January 14, 2000	L&I Building, Room S117-S118, 7273 Linderson Way SW,	Tumwater

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L&I will accept oral and written comments at the public hearings. Written comments may be mailed, faxed or e-mailed until 5 p.m., February 14, 2000. The fax number is 360-902-5529. (Faxed comments must be 10 or fewer pages.) The e-mail address ergorule@lni.wa.gov.

To mail comments, address correspondence to:

Department of Labor and Industries
WISHA Services Division, Standards Section
P.O. Box 44620
Olympia, WA 98504-4620

More news about ergonomics

Do you want to help build an Ergonomics Toolbox – a compilation of practical information on workplace ergonomics? L&I is working with interested business and labor representatives and health professionals to put one or more toolboxes together. Call 360-902-6515 if you want to get involved.

L&I continues to offer workshops and consultations to employers who want to move ahead with workplace ergonomics. If you're interested in a consultation, call the L&I office nearest you (listed in the government pages of your telephone directory). Look under No Fee Workshops at [/wisha/topics/t&c.htm](http://wisha/topics/t&c.htm) to find out more about ergonomics workshops or call 1-800-574-2829.

The nursing home industry and L&I are working together to reduce the risk of back and shoulder injuries among nursing home employees. To learn more about this partnership, visit [/hip/nursing.htm](http://hip/nursing.htm).

For more than a decade, L&I has offered employers assistance with ergonomics – research data, step-by-step guides, training videos, workshops and consultations from professional ergonomists. Read more about these efforts on L&I's ergonomics page [/wisha/ergo](http://wisha/ergo).

Ergonomics Update: MSD Prevention in the Workplace is published periodically by the Washington State Department of Labor and Industries, WISHA Services Division, to share information about ergonomics and Washington's rule making to prevent work-related musculoskeletal disorders. Call 360-902-6515 to be added to the mailing list.